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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/475,364	12/30/1999	RAYMOND G. MATHER	E-906	6248

919 7590 11/16/2004

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EXAMINER


ROBINSON BOYCE, AKIBA K

ART UNIT PAPER NUMBER

3623

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/475,364	<b>Applicant(s)</b> MATHER ET AL.	
	<b>Examiner</b> Akiba K Robinson-Boyce	<b>Art Unit</b> 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 June 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **Status of Claims**

1. In response to the appeal brief filed on 6/25/04, the following is a non-final office action. Prosecution has been re-opened on this case. Claims 1, and 3-12 are pending in this application and have been examined on the merits. Claims 1 and 3-12 are rejected. The previous rejection has been withdrawn and the following rejection reflects the claims that are currently pending.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, and 5-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tams et al (US 6,279,037), and further in view of Rauber et al (6,182,053).

As per claim 1, Tams et al, et al discloses:

A portable data terminal, (Abstract, lines 1-5, [RMON2, {remote monitoring device}], and col. 2, lines 13-21, [shows that the RMON is used for monitoring]), programmed to;

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Record information regarding the receipt of the item, (Abstract, lines 1-3, [collecting traffic data using RMON2], and abstract, lines 20-22, [creating and maintaining a database of collected traffic information]);

Record information regarding the internal movement of the item wherein the receipt information and the internal movement information are recorded with a data collection format, (col. 9, lines 26-38, [shows data is collected from one of the probes for a monitored conversation between 2 devices, where the data is stored in a table supported by that probe and receipt data is kept in the database]);

A base station capable of communicating with the portable data terminal for uploading electronic files thereto in order to modify the data collection format, (Fig. 2, [shows probes 1, 2, and 3 are connected to the management station, which represents the base station], w/ col. 12, line 65-col. 13, line 5 and col. 13, lines 18-23, [after collected, the data is converted into a format]); and

wherein the system is configurable so as to allow a user to create one or more data collection formats at the base station, transmit the one or more data collection formats to the portable data terminal and to collect data in one of the data collection formats at the portable data terminal, (Col. 11, lines 19-63, [initializing probe and updating the probe terminal count mode format in the memory to reflect the presence and data table format of the detected probe]).

Tams et al does not specifically disclose that the system is for tracking...packages within an organization, but does disclose a system for collecting, monitoring and processing traffic for network data, as shown in col. 9, lines 27-38. As

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described in Merriam Webster's dictionary, the term "traffic" is defined by "The movement...through an area or along a route".

However, Rauber et al discloses that his system is for tracking packages within an organization in the abstract, lines 1-8. Rauber et al discloses this limitation in an analogous art for the purpose of showing that the management of inventory can be used for tracking inventory as it passes through various stages within the warehouse.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to track packages within an organization with the motivation of detecting movement to different locations.

As per claims 3, Tams et al discloses:

Further comprising a data processing unit capable of communicating with the portable data terminal, (Col. 8, lines 46-47, [central processing units]), wherein the data processing unit is programmed to:

Maintain a database of records relating to the received items, each of said records identifying an internal delivery address, (Abstract, lines 21-23, [database], Col. 22, lines 49-53, [maintains information on source and destination addresses]);

Tams et al does not disclose maintaining a database of records relating to internal movement status of a corresponding one of said received items, but does disclose maintaining a record for delivery addresses as disclosed above in the preceding paragraph.

However, Rauber et al discloses:

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Maintain a database of records relating to...internal movement status of a corresponding one of said received items, (Col. 7, lines 30-48, [entering the location within the warehouse where the inventory will be initially stored, and string this information in a data record], w/ col. 9, lines 26-33, [shows that when inventory is in positioned at the loadout dock, it is tracked and displayed by the remote computer])). Rauber et al discloses this limitation in an analogous art for the purpose of showing how inventory is tracked as it moves from the initial storage position to the loadout dock position]).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to maintain a database of records relating to the internal movement status of a corresponding one of said received items with the motivation of having the ability to determine the location of the item being tracked.

Tams et al does not disclose maintain a database of recipient names, or generate a manifest of selected ones of received items, but does disclose maintaining a record for delivery addresses as disclosed above in the preceding paragraph.

However, Rauber et al discloses:

maintain a database of recipient names, (col. 10, lines 43-45, [generate a report of items identified by the customer name])), and or generate a manifest of selected ones of received items, (Col. 7, lines 30-42, [inventory data record for each piece of inventory])). Rauber et al discloses these limitations in an analogous art for the purpose of showing that the item being tracked can be located from customer name information, and the locations that an item has been can also be determined .

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It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to maintain a database of recipient names, and to generate a manifest of selected ones of received items with the motivation of having the ability to track and locate items by way of customer names.

As per claim 5, Tams et al fails to disclose wherein the data processing unit is further programmed to provide status information related to said received items through searches, displays, lists, reports and other query and reporting elements, however Tams et al does disclose a system for collecting, monitoring and processing traffic for network data, as shown in col. 9, lines 27-38.

However, Rauber et al discloses:

Wherein the data processing unit is further programmed to provide status information related to said received items through searches, displays, lists, reports and other query and reporting elements, (Col. 2, lines 60-67, [indicate the status of inventory]). Rauber et al discloses this limitation in an analogous art for the purpose of showing that status information can be accessed about tracked items.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to provide status information related to said received items through searches, displays, lists, reports and other query and reporting elements with the motivation of having the ability to view status results of tracked items.

As per claim 6, Tams et al fails to disclose wherein the portable data terminal is further programmed to associate the receipt of items with the recipients, however Tams

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et al does disclose a system for collecting, monitoring and processing traffic for network data, as shown in col. 9, lines 27-38.

However Rauber et al discloses:

wherein the portable data terminal is further programmed to associate the receipt of items with the recipients, (col. 10, lines 43-45, [generate report of items identified by the customer name])). Rauber et al discloses this limitation in an analogous art for the purpose of showing that the item being tracked can be located from recipient information.

As per claim 7, Tams et al discloses:

A display device to display information regarding the receipt and the internal movement of items, (Col. 8, line 47, [display device]);

An inputting device to input information regarding the receipt and the internal movement of items, (Col. 88, lines 48, [keyboard]);

A communication device to communicate with the base station, (Col. 8, lines 44-46, and lines 57-61, [shows that probes are coupled to the management system through interface [160]]).

As per claim 8, Tams et al fails to disclose Wherein the received items contain barcode to identify the items and the inputting device includes a barcode reader to read the barcode, however Tams et al does disclose a system for collecting, monitoring and processing traffic for network data, as shown in col. 9, lines 27-38.

However, Rauber et al discloses:



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Wherein the received items contain barcode to identify the items and the inputting device includes a barcode reader to read the barcode, (Col. 5, lines 18-22, [shows barcode scanner is used]). Rauber discloses this limitation in an analogous art for the purpose of showing that barcode scanner are used to scan in the code for an item being tracked.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention for received items contain barcode to identify the items and the inputting device includes a barcode reader to read the barcode with the motivation using a bar code scanner to accurately store bar codes for items for the purpose of locating these items,

As per claim 9, Tams et al fails to disclose wherein the information displayed on the display device includes a popup list having entry items in order for a user to enter into the portable data terminal, however Tams et al does disclose a system for collecting, monitoring and processing traffic for network data, as shown in col. 9, lines 27-38.

However, Rauber et al discloses::

Wherein the information displayed on the display device includes a popup list having entry items in order for a user to enter into the portable data terminal (Col. 9, lines 26-31, [providing a list of items on the terminal]). Rauber et al discloses this limitation in an analogous art for the purpose of showing that the user can use the terminal display to view a list of items.

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It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include a popup list having entry items in order for a user to enter into the portable data terminal with the motivation of giving the user the option of viewing the item list on their terminal.

As per claim 10, Tams et al fails to disclose wherein the display device displays a plurality of entry fields to allow a user to enter into the portable data terminal information regarding the receipt and the internal movement of an item through the entry fields, however Tams et al does disclose a system for collecting, monitoring and processing traffic for network data, as shown in col. 9, lines 27-38.

However, Rauber et al discloses::

Wherein the display device displays a plurality of entry fields to allow a user to enter into the portable data terminal information regarding the receipt and the internal movement of an item through the entry fields, (Col. 7, lines 30-34, [prompting the user to enter the item location]). Rauber et al discloses this limitation in an analogous art for the purpose of showing that a user is prompted to enter data.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to display a plurality of entry fields to allow a user to enter into the portable data terminal information regarding the receipt and the internal movement of an item through the entry fields with the motivation of allowing a user to enter in data for the purpose of locating a tracked item.

As per claims 11, 12, Tams et al discloses:

Further comprising a communication medium so as to allow the portable data terminal to communicate with the base station via the communication medium/Further comprising a connection cradle so as to allow the portable data terminal to communicate with the data processing unit via the connection cradle (Col. 8, lines 44-46, [shows probes are coupled to the management system via interface [160]]).

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tams et al (US 6,279,037), and further in view of Rauber et al (6,182,053), and further in view of Kadaba et al (EP 0 787 334 B1).

As per claim 4, neither Tams et al nor Rauber et al disclose wherein the data processing unit is further programmed to maintain a database of sender names, and carrier names related to said received items, however Tams et al does disclose a system for collecting, monitoring and processing traffic for network data, as shown in col. 9, lines 27-38.

However, Kadaba et al discloses:

Wherein the data processing unit is further programmed to maintain a database of sender names, (Col. 7, line 7) and carrier names related to said received items, (Col. 5, lines 15-18, Col. 6, line 53-Col. 7, line 5, [driver's PDA information is downloaded]). Kadaba et al discloses this limitation in an analogous art for the purpose of showing that items can be tracked by using sender and carrier names.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to maintain a database of sender names and carrier names with the motivation of having the ability of locating items by sender and carrier names.

***Response to Arguments***

5. Applicant's arguments with respect to claims 1, and 3-12 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

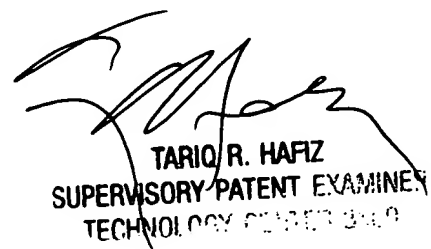
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 703-305-1340. The examiner can normally be reached on Monday-Friday 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 703-305-9643. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7238 [After final communications, labeled "Box AF"], 703-746-7239 [Official Communications], and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



A. R.-B.  
September 15, 2004



TARIQ R. HAFIZ  
SUPERVISORY PATENT EXAMINER  
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